

October 26, 2011

CLERK, U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA



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8 [Proposed] General Counsel for Debtors  
9 Sanjiv and Sheena Chopra

10 UNITED STATES BANKRUPTCY COURT  
11 EASTERN DISTRICT OF CALIFORNIA – MODESTO DIVISION

12 In re ) Case No.: 11-93411-E-11  
13 Sanjiv and Sheena Chopra, )  
14 Debtors. ) Chapter 11

15 ) NOTICE OF REMOVAL  
16 SANJIV K. CHOPRA, an individual; and )  
17 AMERICAN CUSTOM HOMES, LLC, a )  
18 California limited liability company, ) [28 U.S.C. §§ 157(a) & 1452(a)]  
19 Plaintiffs, )

20 vs.

21 MICROTTEL INNS AND SUITES )  
22 FRANCHISING, INC., a Georgia )  
23 corporation; WYNDHAM WORLDWIDE )  
24 OPERATIONS, INC., a Delaware )  
25 corporation; U.S. FRANCHISE SYSTEMS, )  
26 INC., a Delaware corporation; SURAJ )  
27 HOSPITALITY, LLC, a California limited )  
28 liability company; HITEN C. SURAJ, an )  
individual; MANU NARAN, an individual;  
and DOES 1 through 50, inclusive,

Defendants.

1 TO THE HONORABLE RONALD H. SARGIS, UNITED STATES BANKRUPTCY JUDGE,  
2 ALL PARTIES IN THE ABOVE-CAPTIONED SUPERIOR COURT CIVIL ACTION  
3 HEREBY REMOVED AND THEIR RESPECTIVE ATTORNEYS OF RECORD AND THE  
4 CLERK OF THE SUPERIOR COURT FOR THE COUNTY OF STANISLAUS:

5 PLEASE TAKE NOTICE that debtor Sanjiv Chopra submits this Notice of Removal in  
6 accordance with 28 U.S.C. sections 157(a) and 1452(a) and Federal Rules of Bankruptcy  
7 Procedure, rule 9027, and respectfully represents as follows:

8 1. On September 27, 2011, debtors Sanjiv and Sheena Chopra ("Debtors") filed a  
9 voluntary Chapter 11 petition ("Chapter 11 Case"), which is pending before the United States  
10 Bankruptcy Court for the Eastern District of California, Modesto Division. The Chapter 11  
11 Case is designated as Case Number 11-93411-E-11. Debtors are debtors-in-possession pursuant  
12 to 11 U.S.C. sections 1101(1) and 1107.

13 2. On April 15, 2011, plaintiffs Sanjiv K. Chopra and American Custom Homes,  
14 LLC, filed a Complaint in the Superior Court of the State of California for the County of  
15 Stanislaus ("Civil Action") captioned *Sanjiv K. Chopra, et al. vs. Microtel Inns and Suites*  
16 *Franchising, Inc., et al.* The Civil Action is designated as Case Number 663218. The operative  
17 First Amended Complaint alleges four causes of action involving Debtors' property, *to wit*: (1)  
18 Fraud and Conspiracy; (2) Aiding and Abetting Fraud; (3) Rescission for Failure of  
19 Consideration; (4) Negligent Misrepresentation; and (5) Money Had and Received. The causes  
20 of action directly involve title to property of Debtors' bankruptcy estate.

21 3. Debtor Sanjiv Chopra is removing the Civil Action pursuant to 28 U.S.C section  
22 1334(e)(1) because the United States Bankruptcy Court has exclusive jurisdiction over property  
23 included in Debtors' bankruptcy estate. This Notice of Removal is accompanied by copies of all  
24 process and pleadings contained in the Superior Court's file in the Civil Action at the time of the  
25 filing of this Notice of Removal, in accordance with Federal Rule of Bankruptcy Procedure, rule  
26 9027(a)(1), and as set forth in the concurrently submitted Declaration of Jason H. Gorowitz in  
27 Support of Removal of Action.

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1           4.       The Civil Action, including all claims and causes of action asserted therein, is a  
2 Civil Action other than a proceeding before the United States Tax Court; it is not a Civil Action  
3 by a governmental unit to enforce such governmental unit's police or regulatory power.

4           5.       The Civil Action is a civil proceeding related to the Chapter 11 Case. The  
5 Bankruptcy Court presiding over the Chapter 11 Case, pursuant to the general reference with  
6 respect to Title 11 cases in effect in the Eastern District, Modesto Division, and 28 U.S.C.  
7 section 157(a), has jurisdiction over each and every claim and cause of action asserted in the  
8 Civil Action under 28 U.S.C. section 1334. The Civil Action concerns and alleges causes of  
9 action relating to Debtors' bankruptcy estate including, but not limited to, issues relating directly  
10 to the title of property of said estate. All of the claims and causes of action have a clear and  
11 direct impact on property of the bankruptcy estate under 11 U.S.C. section 541. Resolution of  
12 the claims asserted in the Civil Action will significantly affect the administration of the  
13 bankruptcy estate and involve property and assets wrongfully taken from the estate. Such  
14 proceedings are core proceedings under, but not necessarily limited to, 28 U.S.C. section 157,  
15 subdivisions (b)(2)(A), (H) and (O).

16           6.       Removal of each claim and cause of action of the Civil Action to the Bankruptcy  
17 Court is authorized by 28 U.S.C. §§ 157, 1334 and 1452 and the General Order of the District  
18 Court for the Eastern District, Modesto Division, referring bankruptcy matters to the United  
19 States Bankruptcy Court. Removal is in accordance with Federal Rule of Bankruptcy  
20 Procedure, rule 9027(a)(3).

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1 NOW THEREFORE, all parties to the Civil Action, pending in the Superior Court of  
2 California for the County of Stanislaus as Case Number 663218, are HEREBY NOTIFIED,  
3 pursuant to Federal Rule of Bankruptcy Procedure, rule 9027(e), as follows:

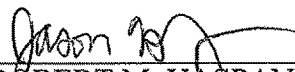
4 Removal of the Civil Action and all claims and causes of action therein was effected  
5 upon the filing of a copy of the Notice of Removal with the Clerk of the Superior Court pursuant  
6 to Federal Rules of Bankruptcy Procedure, rule 9027(c). The Civil Action is removed from the  
7 Superior Court to the United States Bankruptcy Court presiding over the Chapter 11 Case. The  
8 parties to the Civil Action shall proceed no further in the Superior Court unless and until the  
9 Civil Action or any portion thereof is remanded by the Bankruptcy Court.

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11 DATED: October 26, 2011

LAW OFFICES OF ROBERT M. YASPAN

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By:   
13 ROBERT M. YASPAN  
14 JASON H. GOROWITZ  
15 [Proposed] General Counsel for Debtors  
16 Sanjiv and Sheena Chopra

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